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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,580	08/29/2001	Keith Hankin	80168-0238	5009

32658 7590 07/12/2004
HOGAN & HARTSON LLP
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1200 SEVENTEEN ST.
DENVER, CO 80202

EXAMINER

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/940,580

Applicant(s)

HANKIN ET AL.

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-24, 38, 41-44 and 3033 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-12, 14-24, 30, 33-38, 41-44 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, 12, 14-21, 22-24, 30, 34-38, 43, and 44, drawn to a method, system and computer usable medium for managing and searching persistent objects for an application accessing data, wherein the persistent objects are stored in at least one data source, classified in class 707, subclass 001.
 - II. Claims 8-11, drawn to an application system supported by a Java programming environment comprising a relational database for storing a first set of persistent objects correlating to an application, and LDAP repository for storing a second set of persistent objects correlating to the application, classified in class 707, subclass 004.
 - III. Claims 33, 41, and 42, drawn to a method for resolving a stale data state between a persistent object and an application accessing the persistent object for data comprising an executing process including a revision attribute, a retrying process and an incrementing process for incremented the revision attribute, classified in class 703, subclass 13.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in group I has separate utility such as it is usable in a method, system and computer usable medium for managing and

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searching persistent objects for an application accessing data, wherein the persistent objects are stored in at least one data source, classified in class 707, subclass 001.

Without requiring an application system supported by a Java programming environment comprising a relational database for storing a first set of persistent objects correlating to an application, and LDAP repository for storing a second set of persistent objects correlating to the application, classified in class 707, subclass 004. Without requiring a method for resolving a stale data state between a persistent object and an application accessing the persistent object for data comprising an executing process including a revision attribute, a retrying process and an incrementing process for incremented the revision attribute, classified in class 703, subclass 13. See MPEP § 806.05(d).

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3. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-extensive for examination purpose, these groups would require different searches in PTO's classification class and subclass. The group I search (Claims 1-7, 12, 14-21, 22-24, 34-38, 43, and 44) would require use of search classified in Class 707, subclass 001, which would not required for Groups II, and III. The group II search (claims 8-11) would require use of search classified in Class 707, subclass 004, which would not required for Groups I and III. The group III search (claims 33, 41, and 42) would require use of search classified in class 703, subclass 013, which would not required for groups I and II. Therefore restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of the of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

6. **Any response to this action should mailed to:**

Commissioner of Patent and Trademarks

Washington, D.C. 20231

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Or faxed to:

(703) 305-9051 (for formal of draft communication intended for entry)

Or:

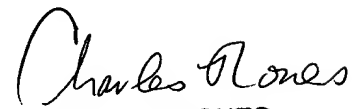
(703) 308-5357 (for informal of draft communications, please label

“PROPOSED” or “DRAFT”)

Hand- delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington VA, Sixth floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jacques Veillard whose telephone number is (703) 305-
7094. The examiner can normally be reached on Monday-Friday from 8:30 AM to about
4:00 PM., and on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor,
Dov Popovici, can be reached at (703) 305-3830. The fax phone number for this group is
(703) 308- 5403.


CHARLES RONES
PRIMARY EXAMINER



Jacques Veillard
Patent Examiner TC 2100

July 1, 2004